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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, May 27, 2022, at 9 a.m.

## Senate

THURSDAY, MAY 26, 2022

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we wait to serve You as You desire. May we do what is right and trust You completely.

Lord, make us alert to the needs of those lives You seek to touch, providing us with opportunities to transform dark yesterdays into bright tomorrows. Examine and test us. Judge our desires and thoughts.

Today, use our lawmakers to bring relief to captives and deliverance to the oppressed. Give our Senators such faith that they will bless even those who are hard of heart.

May our legislators courageously work to lift those who are brought low by sorrow and empower those who are buffeted by grief.

We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 26, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

### DOMESTIC TERRORISM PREVENTION ACT OF 2022—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of the motion to proceed to H.R. 350, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 350, a bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

H.R. 350

Mr. SCHUMER. Madam President, today, the Senate will have a chance to act on a pernicious issue that has recently become an increasingly prevalent component in America's gun violence epidemic: the evil spread of White supremacy and domestic terrorism.

In the past 2 weeks, the United States has endured two of the most traumatic mass shootings that we have seen in recent history. In my home State of New York, in the beloved city of Buffalo, 10 Black Americans were gunned down in broad daylight by a White supremacist armed with an AR-15 and whose mind was poisoned by online conspiracies—White supremacist conspiracies.

And 2 days ago, 19 children—19 children: 8-year-olds, 9-year-olds, 10-year-olds, kids on the verge of beginning summer, kids with their entire lives ahead of them; we saw them holding up their trophies and proudly in their T-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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shirts, and a few hours later they were gone—slaughtered in the predominantly Latino town of Uvalde, TX. Two teachers, including a mother of four, were killed alongside them. Many more were injured and remain in critical condition.

It was the worst school shooting in America since Sandy Hook. Last night, I looked at the pictures of each of those kids online, and I wept—taken from us, taken from their families through senseless gun violence. I can't stop thinking about the parents, too, who lost their kids. I can't stop imagining the paralyzing horror of being one of the parents showing up to the school after the shooting, wondering where their kid was—the anxiety that will live with these parents forever—forced to wait hours before a DNA test—a DNA test—confirmed that their son or daughter was gone. I cannot imagine a hell—a hell—worse than that.

And these families, my colleagues, don't want thoughts and prayers. They want their elected leaders to respond to their suffering. They don't want to be lifted up. They don't want good intentions. They want something to change. They want results.

Yet the MAGA Republicans don't want to get results. They are ossified in their opposition to any action on gun safety. No matter the cause of violence and no matter the cost on families, nothing seems to move them.

Yesterday, after Beto O'Rourke confronted Texas Governor Abbott's press conference, the MAGA Governor gave some empty platitudes about healing and hope. He asked people to put their agendas aside and think about someone other than themselves.

My God, how dare he. What an absolute fraud the Governor of Texas is. And this is the same Governor Abbott who tomorrow—tomorrow—will go speak at the NRA convention in Houston.

Governor Abbott, will you ask your MAGA buddies and your NRA pals to put aside their agendas and think of someone other than themselves like you asked the families to do? Will you ask the gun manufacturing reps who swarm over the NRA convention to put aside their agendas and think about someone other than themselves? Of course not.

The Governor—Governor Abbott—is more likely to outline some new plans to further loosen gun restrictions. No amount of bloodshed seems to be enough for MAGA Republicans.

This Nation is enraged as well as being exhausted. It has been through this over and over and over again over the last two decades. People are sick of mourning again and again while listening to the same string of hollow words from the MAGA Republicans that never lead to action.

So in a few moments, the Senate will have a chance to vote on one important cause of gun violence. The legislation before the Senate today is the Domes-

tic Terrorism Protection Act, which I scheduled for a vote earlier this week before what happened in Uvalde occurred. It was done to respond to the massacre in the supermarket in Buffalo.

The bill is so important because the mass shooting in Buffalo was an act of domestic terrorism. We need to call it what it is: domestic terrorism. It was terrorism that fed off the poison of conspiracy theories like "White replacement theory"; terrorism that left 10 people dead, a community forever torn asunder. This bill will give the government the tools to monitor, find, and arrest these evil actors before they have a chance to inflict violence on their communities. I thank my colleague Senator DURBIN for championing this bill.

I have been going to bed every night thinking about the families I met in Buffalo in the aftermath of the shooting. I think about this little 3-year-old boy. He lost his dad who went to that Tops grocery store to buy him a birthday cake—a birthday cake for his son. That little boy is going to live with that the rest of his life—the rest of his life. I think about all the families impacted by other racially motivated shootings over the year. Buffalo, certainly, unfortunately, wasn't the first—Charleston, El Paso, Pittsburgh, Atlanta, and so many others; the shooting of Asian Americans, Hispanic Americans, gay Americans, Jewish Americans, as well as Black Americans all because of this horrible "White replacement theory."

So today is the day we can begin to debate on how to make these shootings less likely. And there is an additional benefit to moving forward today. It is a chance to have a larger debate in considering amendments for gun safety legislation in general, not just for those motivated by racism, as vital as it is to do that.

I know that many Members on the other side hold views that are different than the views on this side of the aisle. So let us move on this bill. Let us proceed and then they can bring them to the floor.

Senator JOHNSON brought a bill to the floor yesterday about school security practices. I didn't agree with the bill, and I don't think it is the answer to mass shootings. We don't need more guns in the schools. There were security guards at the supermarket in Buffalo, police and security at the school in Uvalde, but we can debate it. The same with Senator CRUZ's plan to limit schools to only one door. Fire marshals and tactical experts totally and vehemently disagree. Let's debate it.

And there are other Senators with other proposals—proposals that come from our side of the aisle—background checks, red flag laws, the Charleston loophole, assault weapons, and other ideas.

Look, I know the chances of getting 10 votes on this bill are small, unfortunately, given the influence of MAGA

Republicans. Many Republicans have made their opposition clear. Again, there are a lot of MAGA Republicans for whom no amount of gun violence—whether it is domestic terrorism, a school shooting, a neighborhood shooting, or something else—will ever—ever—convince them to take any action.

If Republicans obstruct debate today, we are prepared to have an honest and realistic discussion, conversation, negotiation for a little more time to see what they can come to the table with.

We are under no illusions that this will be easy. We have been burned in the past when Republicans promised to debate only for them to break their promise. But even with long odds, the issue is so important, so raw to the American people, so personal to countless families who are missing children, that we must pursue that opportunity. We also know that the American people—as many as 80 percent or 90 percent—support gun safety legislation.

We have an obligation to pursue every path and explore every realistic option to break the cycle of suffering and inaction. Not trying everything is not acceptable to the families who have lost their loved ones to our Nation's gun epidemic. To those beautiful children we see pictures of in the newspaper and their families, we have to try everything. We must not leave a single stone unturned.

Senator MURPHY, who has been such a strong and valiant leader within our caucus on gun safety legislation and who has seen the suffering firsthand of the families at Sandy Hook whom he has become very close to, has asked for space to see what progress can be done with Senate Republicans.

Neither he nor I is under an illusion that this will be easy; it will not. But his view, my view, and the overwhelming view of our caucus is that we need to give it a short amount of time to try. There are others, too, in this caucus reaching out to our Republican colleagues as we speak—Senator BLUMENTHAL, Senator COONS, Senator HEINRICH, Senator MANCHIN, and others. We have also been in talks with our allies across gun advocacy groups, and we all have a strong and burning desire to see something real, something tangible come across, come together here in the Senate.

Again, none of us are under any illusions that it will be easy. None of us want to let this drag out. We know all too well the vice grip that the NRA and MAGA wing hold over the GOP, and we have been burned in the past. America has been burned in the past.

After the shootings in El Paso and Dayton 3 years ago, the Republican leader promised red flag laws and background checks would be front and center in the Senate debate. He didn't put them on the floor, and Republicans did nothing. But that is not an excuse for Democrats not to try. Too many families have suffered, too many kids have been lost, too many communities have

been destroyed. This is too important not to explore every option.

I want to be clear. This is not an invite to negotiating indefinitely. Make no mistake about it, if these negotiations do not bear fruit in a short period of time, the Senate will vote on gun safety legislation. Let me repeat. If these negotiations do not bear any fruit, the Senate will vote on gun safety legislation when we return. But our hope, even amidst our deep skepticism, is, during this week, Democrats and Republicans, at long last, will come to agree on something meaningful that will reduce gun violence in a real way in America. Senator MURPHY and some of our colleagues believe that it is worth a chance, and we will give it that chance.

Unfortunately, though, Republicans haven't come forward in too long a time. There hasn't been this debate in too long a time. But even though it hasn't happened in too long a time, we feel an obligation to give it a chance.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### INFLATION

Mr. MCCONNELL. In America, inflation has topped 5 percent every month for the past year. The consumer price index continues to hover at levels our economy hasn't seen in four decades. As we head into Memorial Day weekend, the American people have become reluctant experts in its painful, real-life effects.

The average working family is now spending the equivalent of \$5,000 a year on gas money. A year ago, the number was \$2,800. Nationwide, gas prices have risen 46.9 cents just in the last month, and in Kentucky, they have risen actually even faster. Here's a quote from one of my constituents: "I'm getting taken full advantage of," said one driver in Lexington.

Another said: "It costs so much to fill up I have to do it half a tank at a time now."

But according to President Biden, it is all part of what he calls an "incredible transition." Well, that is a heck of a way to describe his administration's war on the most affordable, reliable, and abundant forms of energy in our country, forcing fuel prices so high that it requires Americans to transition to more expensive cars with supply chains controlled primarily by China and other hostile regimes with lower labor and environmental standards is not my idea of incredible.

But pain at the pump is only one of the tangled consequences of Washington Democrats' radical policies and reckless spending. Depending on where you are trying to go, higher fuel costs are hurting Americans' ability to enjoy major summer traditions. Rental car costs have jumped to 10.4 percent in the past year. Hotel rooms are going for 22.6 percent more, and plane tickets are up 33.3 percent.

Of course, millions of Americans are having a hard enough time paying for basic expenses, let alone planning summer vacations. Grocery stores now stock painful surprises on every aisle. Ground coffee is 14.7 percent more expensive than it was a year ago; eggs, up 22.6 percent. Anyone wanting to grill a bacon cheeseburger over Memorial Day weekend will find ground beef up 15 percent and bacon up 18 percent compared to only 1 year ago.

And utility bills now arrive with gut punches. For ratepayers in New England, electricity rates are projected to cost 16.4 percent more this summer than last summer. Everywhere they turn, American families are having to pare back expectations, put dreams on hold, and make bitter sacrifices.

It is no longer a shocking scandal; it is just normal life in Democrats' version of America: harder to fuel the tank, harder to feed the family, harder to get by.

#### TRIBUTE TO JENNIFER M. KUSKOWSKI

Madam President, on an entirely different matter, 9 years and a couple of months ago, an impressive young woman interviewed for a position in my office over in the Russell Building. She had worked for her home State senator out of college. At that point, she sharpened her chops on the House side. I knew 5 minutes into the meeting with Jennifer Kuskowski that we had found someone very special.

And now that young staffer from a decade back is departing the Senate as a commanding policy expert and one of my most indispensable advisors.

Jen began as my legislative assistant for healthcare. In less than 2 years, she earned a no-brainer promotion to be the legislative director for my whole personal office, a sort of player-coach overseeing all policy areas. For a couple of years, Jen briefly betrayed us and obtained committee experience with Chairman Hatch at the Senate Finance Committee. But we soon stole her back for my leadership office here in the Capitol.

For more than 3 years, she has been my crucial point person on some of the most complex issues we face—from healthcare to education to tech and telecom. She is the consummate professional, reliable, calm, clear under pressure. She knows her portfolio like the back of her hand, and Jen genuinely loves the legislative process. As her colleagues playfully reminded her with some frequency, Jen is a policy nerd's policy nerd.

Now, don't get me wrong, Jen's not naive. She has the realism and tenacity of a grizzled veteran, but even as a top staffer who works directly with Senators and coordinates across committees, Jen has still got the same earnestness as the young woman I met a decade back. And I think I know why. I think Jen Kuskowski loves mastering thorny policy issues because she understands that policy impacts people.

In between her first and second stint on the Hill, Jen served in the Peace

Corps, working on health issues in Ecuador. That is hands-on experience you never forget.

And towards the other bookend of her Senate service, Jen spent the coronavirus pandemic first as an expectant mother and then with a newborn. She knew what was at stake as she tracked the science and helped assemble the Senate's historic, bipartisan response.

Jen has honed expertise in issues that touch families' lives very directly. And with that expertise, she has done unbelievably well. She was an early driving force to focus Congress on the opioid epidemic. She was alert to the plague of substance abuse years before anybody in Washington was even discussing it.

Jen was the central player in my effort to raise the minimum tobacco age to 21. She played a huge role in structuring the historic relief for hospitals and providers that kept health systems above water in the early weeks of the COVID crisis.

She was a key quarterback as we crafted support for vaccines and therapeutics that got America back on offense. Across many years, across many issues, Jen Kuskowski's expertise and professionalism have literally saved lives throughout Kentucky and across America. It is not an exaggeration; it is literally true. Families across the Commonwealth and across the Nation that will never meet Jen have benefited from the fact that she has been one of the most reliable closers on Capitol Hill. When an issue lands in her court, it gets resolved, period.

Now, saying Jen cares about policy because she cares about people might sound like sort of a sappy cliché, but everybody in the Senate can attest there is nothing remotely sappy or "Hallmark card" about her. Jen's sarcastic sense of humor is world-class. She does not suffer fools. She pursues goals with bulldog determination, and a competitive fire burning below the surface. But all this coexists with a deep kindness and care for others. It is really a very special package.

Jen has been the likeliest member of our team to seek out a colleague who is having a hard day and offer a pep talk and the likeliest person to aim a witty barb at a friend who is feeling overconfident and needs to be taken down a peg. Any team would be lucky to have either someone as diligent and professional as Jen or somebody as compassionate or someone as wickedly funny. It has been our special blessing to have all three in one person.

So as you can see, Jen has rendered the Senate a special and unique service. So I am happy to report the institution has repaid Jen in a special and unique way as well. When we first met Jen, she was Jennifer Conklin, but she leaves the Senate partnered to her husband Officer Andrew Kuskowski of the United States Capitol Police. They are proud parents of little Zachary.

And after a decade of late-night negotiations and weekend conference calls,

our friend is excited to strike out and tackle new challenges.

So, Jen, I am so grateful for your outstanding service. We know you will continue to be a force of nature wherever you go, and you will keep serving the common good, just in new and different ways.

You have done your family proud. You have done me proud. And I hope you are proud. Your fine service has literally saved lives and changed our country for the better.

The ACTING PRESIDENT *pro tempore*. The junior Senator from Kentucky.

H.R. 350

Mr. PAUL. Today, we will have a bill before us ostensibly titled and ostensibly about the subject of domestic terrorism.

But this bill would be more accurately called the Democrat plan to brand and insult our police and soldiers as White supremacists and neo-Nazis. How insulting.

I have met our Nation's policemen. I have visited with policemen across Kentucky, through our big cities and small, and I have not met one policeman motivated or consumed with any kind of sort of racial rage. What I have met are proud policemen and women who care about the people that they protect in our society, but also who care about their fellow officers.

I have not met one policeman who would not defend their partner: Black, White, Jewish, Christian, Muslim. I don't see the kind of sort of insulting rage that the Democrats have for our police.

I have met our country's young soldiers and marines. I don't meet racists. I don't meet White supremacists. I don't meet neo-Nazis. I meet young men and women who are courageous enough to defend our country. And what an insult it is to put a bill before this House that says: Oh, somehow our marines are consumed with White supremacy and neo-Nazism. How insulting.

In fact, I don't think you could look at a group of young men and women who are more adapted to the times, who are more accepting of their fellow man. And I have never—I have never—heard of a marine saying: Oh, I am not going to carry my fallen colleague out because he is African American. I have never heard of an African-American marine saying: I am not going to carry out my fellow marine because they are White.

If there is any kind of grouping in our country more accustomed to treating people because they are your fellow soldier and your friend, it is the military. To insinuate that the military is consumed with White supremacy is an insult. To insinuate that our soldiers are somehow these terrible people, these neo-Nazis and White supremacists, that we are going to get a new government Agency to police the marines—the marines are a proud part of our military. Our soldiers are a proud

part of our country. These are the people who do not see color, who do not see race, who do not see religion. These are the people who don't leave their fallen.

Do you think the marines go around saying "Oh, we are going to leave our fallen if they have a certain race or religion"? You don't see that. The marines, the soldiers in our country, the people who defend our country, the people who defend and love our country, are the least consumed with any kind of notion of race. How insulting.

This bill states as if it were a fact in the beginning of section 5 that this bill will create "an interagency task force to analyze and combat White supremacist and neo-Nazi infiltration of the uniformed services and federal law enforcement." This is not just an insult to your local police or to the Marines or to the Army and to the Navy; this is an insult to the FBI; it is an insult to the Capitol Police. This bill says that they have been infiltrated. This says that our police are consumed with some kind of race rage.

It is untrue, and it is slander, and it is scandalous, but it is predictable. This is the party that wants to defund the police. But this party not only wants to defund the police, they think the police are full of hatred and racism. It is not true.

Every policeman in our country, every soldier in our country should look at this bill and say: Who are these people? White supremacy and neo-Nazism infiltration of the Marines? That is not true. It is an insult to every marine in our country. It is an insult to every soldier in our country. It is an insult to every policeman in our country. It is an insult to the Capitol Police.

I don't see this in our country. I actually see our armed services as probably one of the areas where people intermix regardless of race and religion better than any segment. These are our young men and women who live in close quarters in barracks. These are our young men and women who go overseas. These are our young men and women who have given arms and legs, and I don't hear examples—I don't know of an example of some guy who says: Oh, yeah, we were blown up by an IED, but we decided to leave that guy because he is of a different race. How insulting.

So you are going to have a task force to investigate our soldiers. This is a Federal task force that is going to go in and investigate our soldiers for White supremacy—I guess read their emails, read what websites they go to—because the implication is they are guilty until they can prove themselves innocent. That is what this will set up. It will set up more government Agencies that presume your guilt. But it is an insult to our armed services, to our police, and to anybody who works in law enforcement.

One might well ask if Democrats now believe that the U.S. military and Fed-

eral, State, and local police departments are all corrupted. Are there White supremacists and neo-Nazis running around our country?

Look, when I visit even the larger cities in Kentucky, when I visit the Louisville Police Department, guess what. I see African Americans and Whites working together and Brown, Hispanic—whatever you want to call people—all working together. I see high-ranking people in our department who are African American. I don't see that everybody is running around hating each other. I see Black officers and White officers who work together as partners, who care about each other and would defend to the last breath their partner if they were shot in the line of duty. I have seen the officers who have been shot, Black and White. I don't see any of them saying: Oh, yeah, well, we are not going to do anything because that person is of a certain race.

This bill is an insult to every police officer in this country. This bill is an insult to everyone in our armed services. This bill says that the armed services have been infiltrated by White supremacy.

So if you are a soldier in our country, if you are a policeman in our country, you need to let your Congressman or Senator know that you are not a White supremacist and that it is an insult for the Democrats to call you a White supremacist. It is an insult for the Democrats to say our police force is full of White supremacy, that our armed services is full of this.

Everybody in this country who works in law enforcement should be outraged by this bill and should respond and say: No, that is not me, and that is not any of my colleagues. That is not what the Kentucky police force is about. That is not what the National Guard is about. That is not what the Marines are about. What an insult. What an insult.

So what do they do? They set up a new Department in Homeland Security. Isn't Homeland Security Federal too? Have they not been infiltrated as well?

See, the implication of this bill is that all people are bad, that there is this great and worrisome thing that is infecting America—when the opposite is true.

I was born in the 1960s. Every decade has gotten better. People get along better. We have more intermarriage between races. We have more integration within churches. I see less and less of this that everybody is saying is now infecting us.

But they don't realize that they are insulting everyone. They are insulting the police. They are insulting our marines. They are insulting our armed services.

The bill creates two other Departments. These essentially are Departments that are going to be the thought police of the military.

We just took down the "Ministry of Truth," which was in the Department

of Homeland Security. It took a couple of weeks for them to finally be ashamed that they were going to try to censor speech, and the Biden administration has canceled it or at least put it on pause. But this bill will create two other Agencies, two other thought police offices at the Department of Justice and the FBI—seems like a self-defeating choice since elsewhere in the bill, we are told that Federal law enforcement is completely infiltrated by White supremacists and neo-Nazis.

But, again, none of the bill makes sense. It doesn't make sense because it was a bill that was never intended to become law and won't. It is a dumb Washington talking points memo masquerading as legislation, but it is also a grave insult to anyone involved in law enforcement, anyone involved in the military. But congressional Democrats have gotten so radical, so extreme, so out of touch with the American people, that when they read it, they think this is something worthwhile to do. It is a messaging bill for today.

This bill will fail today, though, because the Democrats' message—hate the police; defund the police; the police are terrible people; the military are terrible people—to slander the military and the police as racist and White supremacist has been roundly rejected by the American people and will continue to be.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, later on today, we are going to be voting on a Congressional Review Act dealing with the title 42—actually, more specifically, the asylum rule dealing with what is happening at our southwest border right now.

Let me first say something I don't normally say on this floor. I am pleased the Biden administration is trying to address this. It is a step that—someone in the administration has noticed there is a problem with the asylum rule, and they are trying to address it. This solution will not fix the problem, but at least we are working on the problem.

I can say this to the Biden administration and to this body: If we do not legislatively fix the asylum rule, what is happening on our southern border will never get better. We have to address what is the problem there. It is not that there are root causes in Central America. We are the United States of America; everyone in the world wants to be here. If all you have to do is cross the border and say the magic words "I have credible fear" and the Biden administration hands you a piece of paper and you are in the country for the next 8 years—8 years—until your hearing, the whole world is going to keep coming here.

Now, right now, literally right now, we have 8,000 people a day who are illegally crossing our border—8,000.

Last summer, in the midst of all the chaos, when all the cameras were fo-

cused on our southern border, there were 6,000 people a day who were illegally crossing our border. It is literally worse now than it was a year ago, but the cameras have all moved on and said "nothing to see here" when it continues to be able to get worse literally every month. Last month, a quarter-million people illegally crossed the border—a quarter-million. Half of those were turned away with title 42 authority, which the Biden administration is trying to end to allow everyone to be able to come across the border.

But this asylum rule gives me some sense of hope that they are at least identifying what the problem is and trying to start working on it. Here is the problem, though: The way that this rule is actually set up, almost every negative determination made under this expedited asylum process gets appealed under the normal process anyway. So while they are creating an expedited process, all they have to do is say "I disagree with the expedited process," and they get through the long, protracted, 8-year process anyway. It doesn't solve the problem.

So while the executive branch is trying to do something, their "something" that they are doing doesn't actually fix the issue. We have to change this issue in law.

Secretary Mayorkas was on the Hill 2 weeks ago. He came and presented the new plan in place for what they are going to do on the border. Part of that plan was this new asylum rule. But when you read the summary, at the very end of it—they go through all their details, these high-level points of six different areas where they are going to work to be able to decrease. At the end of it, the summary statement ends with "Despite our best efforts, we anticipate an increase in migration." What they are saying is, the policies that they currently have in place are going to continue to increase migration even with things like this new asylum rule that they are trying to be able to put in place because they know this doesn't actually fix the problem.

MPP, the "Remain in Mexico" program that a Federal court has required them to maintain—they are doing MPP only in such a way to say to the Federal courts: We are doing something.

We have 8,000 people a day who are illegally crossing the border. We have about 2,000 people a month whom they are putting through the MPP program. We have 8,000 people a day who are illegally crossing the border. Currently, ICE is deporting 203 people a day. With 8,000 people a day crossing and 203 people actually being deported, you see the math here. They are not trying to stop the flow. They are not trying to disincentivize this.

We need to actually get serious about this. So, yes, I am going to support a Congressional Review Act on this individual piece because it doesn't actually fix the problem. Let's actually sit down and fix the problem actually in the statute. That is what needs to be done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Madam President, I rise to support this Congressional Review Act resolution of disapproval of the rule recently published by the Department of Homeland Security and the Executive Office for Immigration Review entitled "Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers."

Madam President, we are currently experiencing an unprecedented crisis on our southern border. As of April of this year, 4 months into 2022, over 1 million illegal crossings have been encountered at our southern border. And with the administration fighting the migrant protection protocols and willing to remove the title 42 restrictions on entry, this crisis is about to get much, much worse.

We have heard estimates of unauthorized border encounters this summer ranging close to 20,000 daily. We don't know how to handle these numbers, and nothing has been done by the administration to deter these immigrants. Despite knowing of the coming influx and despite understanding the statutory mandates which would require immigrants to be detained, this administration is closing detention centers. It appears we now have fewer than 20,000 detention beds available.

This seems to suggest that DHS has no intention of detaining these immigrants, even though it is plainly required by statute. In the midst of this unprecedented crisis at our southern border, the Department of Homeland Security, under Secretary Mayorkas, has, by regulation, bypassed duly enacted laws to make the asylum process a mere rubberstamp for basically anyone who can make it to our border. Because of the internet and the sophistication of coyotes and cartels, every alien encountered knows to express fear of returning to their home country, thus triggering the asylum process.

This rule would change that adversarial process—whereby one actually has to produce some shred of evidence that they qualify for asylum to a non-adversarial process—whereby the alien merely has to assert their claim. Additionally, this rule would take the asylum decisions out of the hands of immigration judges and put them into the hands of frontline screeners who often have no legal skills at all.

This rule violates current immigration laws—laws passed by this body, laws enacted by Congress. It violates the separation of powers by usurping congressional authority to enact the laws of the Nation. Currently, under the law, until an immigration judge has ruled on an asylum claim, the claimant is required to be detained. Under the proposed rule, there would be no need for detention because no time would be required to rubberstamp that asylum application. It just happens.

It is very interesting that this rule is about to go into effect right before this already unprecedented crisis exponentially increases. I don't think this is by accident. It is by design. This rule demonstrates that they simply want to manage the unprecedented influx of illegal immigrants into every American city, making every town a border town.

America has always been a welcoming land, a land with outstretched arms. And it always should be. I am very proud of Utahns for how well they exemplify that welcoming spirit to immigrants, including the refugees and the asylum seekers who come into our State. I am also concerned that if we degrade the process by administrative rule, we erode our ability to give refuge and asylum in the cases where it is truly needed, in the cases where, as a representative body, we have decided it should be given.

Now, in studying this rule, I was struck by the fact that it assumes asylum is a right—a legal right—for anyone and everyone managing somehow to get to our border. It is not a right. Asylum is a gift, a gift that the United States can choose to bestow on those who really need it: the persecuted, when authorized by law and consistent with the terms of the law. This rule doesn't ever mention the interests of the American citizen in this process, not once—the interest that would usually be representative in the adjudicative adversarial process that occurs before a judge. The American people are left out of this process. In fact, that process is eliminated by this rule. Indeed, this rule is completely unconcerned with the interests of the American people. It prioritizes the claimed interests of illegal immigrants over the interests of our own people and American national security. It must be struck down, and I encourage my colleagues to support it.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The majority whip.

H.R. 350

Mr. DURBIN. Mr. President, this morning we are going to consider H.R. 350, which is legislation which I introduced some time ago. I want to describe it because it has been inaccurately described before and let Members know what they are voting on.

First, what does it relate to? Domestic terrorism. Is that a Federal crime? You bet it is, and this particular bill makes reference to that crime. Hate crimes? It refers to that too. Is that a real crime? It is a Federal crime, and we refer to it specifically.

So what new crimes are created in this bill? None. Not one. What we are doing is asking the Federal Agencies that have the responsibility of national security to give us timely reports on the incidence of domestic terrorism, and we say to them there are categories which the FBI has already established of domestic terrorism. And those categories—I would like to spell out a couple of them to you so it is pretty clear what we are going after

here: racially and ethnically motivated violent extremism; anti-government, anti-authority violent extremism; animal rights and environmental violent extremism; abortion-related violent extremism and others.

So those are already categories of domestic terrorism that the FBI reports on. What we are saying is, give us those reports in a timely fashion so we can see the incidence of these forms of extremism and the commission of crimes.

But there is one correction that we are making that is very important. During the Trump administration, they eliminated reference in this list of categories of domestic terrorism of White supremacist activity. The reason why it is important for us to include that is that we have the sworn testimony of the Director of the Federal Bureau of Investigation that this is a category of crime and terrorism in America that is “metastasizing”—his word, metastasizing. So we believe it is important that we be given information about the incidence of violent extremism, domestic terrorism, that relates to this type of activity, this White supremacy.

I will tell you, it is not an imagined crime. We see the reality of it way too often. We just saw it 2 weeks ago in Buffalo, NY. That shooter put his so-called manifesto on the internet and declared, among other things, his support for the “great replacement theory.”

The “great replacement theory” is a thinly veiled White supremacist theory that tries to suggest that immigrants to America are somehow only arriving at the expense of those already here, particularly White Americans. That sort of theory has been out there since the days of the Ku Klux Klan, maybe even before it. But it is White supremacy. It inspired this man to do terrible things in Buffalo and kill innocent people at that grocery store.

So we are asking the FBI to give us this information. We will draw conclusions as we will, but that is basically it. No new crime is created nor is any new authority being created in the process. I think that is a critical element.

But there is one other thing that is part of this exercise this morning in voting for H.R. 350. The majority leader, Senator SCHUMER, after the events in Uvalde, TX, declared that we are going to try to reach out, on a bipartisan basis, to come up with legislation to deal with gun safety and safety in schools. His first effort to do this is this bill.

What we are voting on is a motion to proceed to the bill. He has invited colleagues, on a bipartisan basis, to come forward and to offer their amendments in the field of gun safety and school safety. That is why this motion to proceed is more than just the bill I described. It is an opportunity for amendments on the floor.

This morning, I had an interview with CNN, and they talked about the

fact that we are leaving for a week for Memorial Day to honor our veterans and be home and then return. Why aren't we staying and working? Well, here is the chance for us to make it clear that we are going to work on what happened in these terrible tragedies in Uvalde, TX, and Buffalo, NY, and so many others.

So I am appealing to my colleagues on the Republican side of the aisle, if you have any ideas, and I hope you do, for gun safety, school safety, and to make this a safer nation, this is the vehicle to do it. A “yes” vote on the motion to proceed to H.R. 350 is your opportunity to open a process where we can consider amendments.

Senator SCHUMER was very explicit. He invited Democrats as well as Republicans to come forward with their best ideas on a bipartisan basis. And isn't that what the people of the country are actually asking for, more than anything; that we roll up our sleeves and face this challenge which has taken so many innocent lives?

In the newspaper yesterday, in the New York Times, they did a feature on those wonderful little kids and the teachers who lost their lives in Uvalde, TX. It is heartbreaking to see those kids, those beautiful little children, and to realize that they are no longer with us and that their families are grieving in a way they never imagined they would.

Isn't it up to us to do something about it rather than just give press releases? Isn't it up to us as legislators to legislate and try to find solutions? This opportunity, the motion to proceed, opens the door to that possibility.

We can return the week after Memorial Day recess and start in earnest considering amendments offered by Democrats and Republicans which deal with this issue. We owe the American people that. We are elected to this job to legislate, not just to give speeches but to change the laws in this country to make it safer. This is our chance to do it. I urge my colleagues on both sides of the aisle, vote for H.R. 350. This is an important bill in and of itself, but equally important is the fact that it opens a process Americans are longing to hear that we take seriously. I urge my colleagues to support the motion to proceed on H.R. 350.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes, followed by Senator JOHNSON for 10 minutes, prior to the scheduled rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBB ELEMENTARY SCHOOL SHOOTING

Mr. CORNYN. Mr. President, today was supposed to be the last day of school in Uvalde, TX. Each of us can remember how excited we were as children, as students, but especially we can remember being a parent the last day of school our child attended. Your child

would perhaps run into your arms and recount a fun-filled day with their classmates. They would sling their backpack on the backseat of the car and talk about how excited they were about the summer, to spend days playing with their friends and their siblings, swimming at the local pool with friends, and maybe even going on a vacation with their grandparents.

Today, those children, those parents, and those teachers in Uvalde, TX, have been robbed of the excitement and normalcy that this day would normally bring. Instead of celebrating the last day of school, 21 families are making funeral arrangements.

Earlier this week, a monster viciously murdered innocent children and their teachers at Robb Elementary School. So far we know that 21 people have been killed by the shooter, including 19 students and 2 teachers. This tragedy has absolutely shattered the tight-knit community of Uvalde, TX.

Uvalde is a town of about 15,000 people, about 65 miles from the United States-Mexican border. There is one high school football team, one H-E-B Grocery store, and one post office. The families of Uvalde have known each other and loved each other's children for as long as they can remember.

The grief caused by this attack is shared by the entire community, and I join all Texans in lifting up the victims, their families, and those who are struggling to make sense of this tragedy.

Yesterday, I was in Uvalde with my fellow Texans in mourning. I joined hundreds of people in donating blood and received an update from law enforcement and both State and community leaders. As though we needed a reminder of the tight-knit community, a deputy sheriff himself lost his own daughter in this attack, and two members of the mayor's staff lost children as well.

One of the conversations I had that really struck home was with an older gentleman who responded to the call for blood donations at the Herby Ham Activity Center. As we waited our turn to donate blood, he shared with me that he had lost two grandchildren in the shooting. It is not possible for us to comprehend the pain he must be feeling, but there he was, donating blood. Two young lives were stolen from his family, and, still, this man stood in line so he could support his community in some tangible way.

During the briefing from law enforcement, two of the Uvalde police officers who responded to the shooting shared their harrowing experiences with us, and in the face of such unthinkable evil, their courage was unwavering. One of these Uvalde police officers responded to the scene, and I had a chance to thank him personally.

I want to thank all of the law enforcement officials, the emergency medical technicians, and healthcare workers who responded to this tragedy and who continue to support the survivors and their loved ones.

At times like this, I am reminded of a quote I heard some time ago from a county commissioner in the face of a similar tragedy. He said:

Being a Texan doesn't describe where you are from as much as it describes who your family is.

Today, our entire family is mourning. Our hearts are broken by those who lost loved ones and the survivors who will never forget this terrifying and senseless attack.

While the terror of this attack will weigh on all of us, we saw the spirit of my State on full display as resources poured out to help the loved ones of the community who were hurting so badly. From mental health counseling to food donations, there was an outflow of support from the South Texas community.

At times like this, words seem so inadequate. There is no good way to completely express the heartbreak and anger that swell in your chest at a moment like this. All we can say, perhaps, is that our condolences are with the families who are grieving such a cruel and unexpected loss. I can't fathom the pain of seeing an empty bed where your child slept the night before.

Knowing we can't turn back the clock to prevent this tragedy from occurring, the obvious question then is, How do we prevent something like this from happening again?

At this point, law enforcement is still investigating and piecing together the full story. In the coming days, I expect we will have better information about the shooter and his background and the circumstances that led to this senseless, brutal act. Once it does, I am eager to see whether there were any gaps that might have done something to make this attack less likely, that might have actually even prevented this attack from taking place.

In the past, I have worked with colleagues on both sides of the aisle to prevent senseless tragedies from occurring, through things like Fix NICS and the Mental Health and Safe Communities Act. Fix NICS, you will recall, occurred after the Sutherland Springs shooting, where the shooter's criminal convictions were not uploaded by the Air Force into the National Instant Criminal Background Check System, so he was able to go to a local sporting goods store and buy weapons—by lying and buying. I am convinced that in working with Senator MURPHY and all of our colleagues, we were able to get 70 or more cosponsors on that bill because it actually addressed a real gap in the system, and it would actually give us some hope that we would actually save lives in the future.

I am not interested in making a political statement. I am not interested in the same old tired talking points. I am actually interested in what we can do to make the terrible events that occurred in Uvalde less likely in the future. We don't know everything we need to know, but once we do, I expect there will be an informed debate about the reforms we can make, and I look

forward to participating in those discussions.

For now, the focus should remain on supporting the people of this little community, who suffered an immeasurable loss this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, let me first also express my condolences and associate myself with the comments of the Senator from Texas. The tragedy is horrific. It is hard to think of anything more awful than what happened in Texas and in other schools over the last few years.

#### ASYLUM RULE

Mr. President, I come to the floor today for another reason—in support of using the Congressional Review Act to disapprove of and prevent the implementation of a rule titled Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers. I will refer to this rule as the “asylum rule” to make it a little bit simpler. As the title suggests, there is an awful lot to this, but the reason we ought to disapprove of it is actually quite simple.

This rule will go into effect at the end of this month, on May 31. On May 31, what this new rule will do is it will allow the USCIS, asylum officers, to begin granting asylum without review by an immigration court.

It is important to note that section 240 of the Immigration and Nationality Act, which governs removal proceedings, states:

[a]n immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien.

Now, an immigration court is an adjudicative court. It is a separate unit of government from a USCIS officer, who is within the Department of Homeland Security in the executive branch. It is a check and balance on executive action. It is a very necessary check and balance on an executive who is not faithfully executing the laws, as we have today with President Biden and Secretary Mayorkas.

On May 1 of this year, news reporter Bret Baier asked Secretary Mayorkas in an interview:

Is it the objective of the Biden administration to sharply reduce the total number of illegal immigrants coming across the southern border?

The obvious answer to Bret Baier's question is, That is the goal—to reduce the flow of people coming into this country illegally.

That ought to be every administration's goal. That is what a President and an administration would do if they were faithfully executing the laws; but listen to Secretary Mayorkas's reply, his answer.

Secretary Mayorkas stated: “It is the objective of the Biden administration to make sure that we have safe, orderly, and legal pathways for individuals to be able to access our legal system.”



I first must note that our legal system is horribly broken. It is that legal system that has produced this result. Now, I don't expect the viewers to look at and to be able to see everything on this chart, but you can go to my website and download this, and you will see the cause and effect of various directives, of various rules, of various regulations, and of various court orders and proceedings to cause this explosion—this out-of-control flow—of illegal immigration.

By the way, it all started back in 2009 when then-ICE Director Morton issued a directive directly contravening the plain language of the law that required detaining individuals whose asylum claim was being adjudicated. So we stopped detaining them.

Then, of course, in June 2012, President Obama, through his DHS Secretary, created the DACA memorandum, which was an open invitation to unaccompanied children coming to this country because they knew that, once they got here, they would be able to stay.

If you take a look at the history here, the gold represents single adults coming into this country illegally and being apprehended. This is on a monthly basis. Blue is family units exploiting our very broken asylum system, where the credible fear standard gives you a free pass into the country. Red represents unaccompanied children.

It is important to note that back in 2014, when President Obama declared it a humanitarian crisis, about 2,000 people were being apprehended at the border on a daily basis—2,000. Now, again, because of different policy choices, the word gets out—and because of different court decisions—and people in Central America and throughout the world realize that we are not following our asylum laws. We have a virtually open border. We are engaging in “catch and release.”

So President Trump had to deal with a surge in 2019 of more than 4,000 people per day in a given month, and you can see that surge here. But President Trump took action. He engaged. He implemented the Return to Mexico policy. He made agreements with the Central American countries and Mexico, and we pretty well stopped the flow of unaccompanied children and family units. We actually reduced the flow of single adults who were exploiting our broken immigration system.

Then, during the Presidential debates, Democratic candidates, including President Biden, declared to the world that they weren't going to deport people; they were going to offer people who were coming into this country illegally free healthcare.

You can see, even during 2020, as we were building the walls—and we had the Return to Mexico policy in place—that single adults realized there might be a change in policy, and they started flooding our border. If you will notice, we went from, on average over about 10 years, about 30,000 single adults per

month coming into this country to the last 2 months, when it has been over 150,000 or closer to 160,000, 170,000 single adults. Throw on top of that, at almost the minute that President Biden came into office and dismantled those successful programs, we then had a new flood, a new surge, of family units in blue and unaccompanied children flooding our border and exploiting our asylum laws.

This new rule that is about to take effect at the end of this month, the asylum rule, again, circumvents, is contrary to stated law that says immigration judges, immigration courts, need to make that asylum determination, not members of the administration, not USCIS officers.

What this rule does is it gives that power to grant asylum—an awesome power that Congress never meant to give to the administration—to USCIS officers and only allows a judge to take a look at it if the asylum claim is denied by the USCIS officer. This isn't going to do anything to reduce the backlog. What this will do is this increase the flow. This is another signal throughout the world that we have an open border policy.

The only restraint right now is title 42, and this administration is working actively to overturn a court order that says you must keep title 42 restrictions in place. And if the USCIS officer isn't as generous as we fear they all will be and actually denies asylum, you are right back there in immigration courts. So the only purpose of this rule is to increase the flow, to accomplish Secretary Mayorkas's stated goal of making sure we have a safe, orderly, and legal pathway for individuals to access our legal system. In other words, this administration's policy on the border isn't to secure it, isn't to reduce the flow; it is to make the processing and dispersing of illegal immigrants more efficient so more will come.

Last year, one and a quarter million people either encountered and dispersed or came in as known “got-aways,” came to this country illegally and were dispersed. That is a number that is larger than the population of eight States. That is how out of control this crisis is. Yet Secretary Mayorkas won't even call it a problem, much less a crisis.

So it is obvious how harmful this rule is to our Nation and to our national security. An open border is a national security threat.

I urge my colleagues to join me in using the Congressional Review Act to disapprove of this rule and prevent its implementation.

With that, I yield the floor.

H.R. 350

Mr. GRASSLEY. Mr. President, I speak today on the Domestic Terrorism Prevention Act.

As I have said many times, I am committed to fighting political violence from across the political spectrum. This bill doesn't help us do that.

In fact, career DOJ attorneys reviewing the legislation have indicated that the bill is “harmful” and “counter-productive.” I use their words.

This short bill merely reorganizes the government offices that already fight domestic terrorism in DHS, DOJ, and the FBI. This reorganization wasn't sought by the Agencies themselves.

In fact, in technical assistance provided to us, the operators pointed out a number of problems with it. For example, the bill assigns responsibilities monitoring and analyzing domestic terrorism activity to DHS that actually belong in FBI.

The other major feature of the legislation is a direction to the Agencies that they must focus on the greatest historical threats, looking backward.

The operators have told us this means they can't be agile or address rapidly evolving threats if they were to follow this law.

I am always willing to listen to the needs of Agencies that keep Americans safe.

In fact, there are authorities that DOJ and the FBI need, for international terrorism.

I introduced an amendment to the NDAA last year, to expand these authorities. I hope we will pass it into law this year.

The domestic and international functions work together, and siloing them would not help DOJ fight terrorism.

The Domestic Terrorism Prevention Act won't help us prevent or combat terrorism. Therefore, I urge my colleagues to vote no on moving to this bill.

Mrs. FEINSTEIN. Mr. President, I am proud to support and cosponsor S. 4255, the Domestic Terrorism Prevention Act of 2022, which the Senate is considering as H.R. 350. This bill is critically important in supporting law enforcement's response to domestic terrorism.

Domestic terrorism has become increasingly common. According to a recent study by the Center for Strategic and International Studies, more than two-thirds of domestic terrorist plots and attacks in 2020 were fueled by White supremacists and ideologically aligned violent extremists.

Unfortunately, just last week in Buffalo, NY, we saw the savage destruction that hate can cause. A gunman killed 10 people and injured 3 others in a local grocery store. Eleven of the 13 people who were shot were Black. Make no mistake, this act of violence was a domestic terrorism incident.

We must do more to stop these heinous acts of violence. To do this, we must provide our law enforcement with the resources they need. This bill would help establish offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation that would monitor, investigate, and prosecute domestic terrorism crimes. This bill would also help ensure that all law enforcement agencies have access to anti-terrorism resources.



I believe this bill is an important step to help address the rising threat of domestic terrorism throughout the country.

I am proud to cosponsor this bipartisan bill, and I am happy to see my Democratic colleagues support it on the floor today.

Mr. OSSOFF. Mr. President, today, I will vote to open debate on H.R. 350, the Domestic Terrorism Prevention Act.

Should the Senate so proceed, however, I will insist on a thorough and judicious debate and on a process that empowers Senators to offer and vote on amendments.

Before I determine whether to support passage of this legislation, I will weigh that debate, I will consider expert analysis and input from executive agencies, and I will assess the merits and effects of amendments that may be considered and adopted.

This legislative process must ensure that Federal law enforcement is transparent, accountable, and apolitical.

The threat of domestic terrorism is real. The United States must continue to confront it. We have sworn an oath to defend the Constitution from all enemies foreign and domestic. We must do so in a manner informed by objective threat assessments, consistent with our Constitution, and attentive to civil liberties.

Any time we establish or codify Federal law enforcement offices tasked with investigating and prosecuting crimes committed by Americans or collecting and analyzing intelligence related to American citizens, we must ensure safeguards are sufficiently robust to protect civil rights and civil liberties. Consideration of such legislation may present us with an opportunity to assess what Congress got right and what Congress got wrong in the aftermath of 9/11, when the Department of Homeland Security was established and Federal counterterrorism efforts and authorities grew considerably, and to calibrate policy accordingly.

In short, I vote today to open debate, but I do not yet commit to voting for passage of this legislation while the process of review, debate, and potential amendment continues.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 371, H.R. 350, a bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

Charles E. Schumer, Tim Kaine, Tammy Duckworth, Richard Blumenthal, Ben

Ray Luján, Richard J. Durbin, Elizabeth Warren, Christopher Murphy, Cory A. Booker, Jeanne Shaheen, Robert P. Casey, Jr., Jack Reed, Benjamin L. Cardin, Gary C. Peters, Tina Smith, Brian Schatz, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 350, a bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), and the Senator from Alaska (Ms. MURKOWSKI).

The yeas and nays resulted—yeas 47, nays 47, as follows:

#### [Rollcall Vote No. 210 Leg.]

##### YEAS—47

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Luján	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Warner
Duckworth	Menendez	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Osoff	Wyden
Hassan	Padilla	

##### NAYS—47

Barrasso	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Schumer
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Shelby
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Crapo	Marshall	Tillis
Daines	McConnell	Toomey
Ernst	Moran	Tuberville
Fischer	Paul	Wicker
Graham	Portman	Young
Grassley	Risch	

##### NOT VOTING—6

Blackburn	Cruz	Murkowski
Cramer	Merkley	Van Hollen

(Mr. COONS assumed the Chair.)

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 47, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

#### MOTION TO RECONSIDER

Mr. SCHUMER. Mr. President, now let me explain. I entered my “no” vote so we can bring this up again and gain more support. So I enter a motion to reconsider the failed cloture vote.

The PRESIDING OFFICER. The motion is entered.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOMELAND SECURITY RELATING TO “PROCEDURES FOR CREDIBLE FEAR SCREENING AND CONSIDERATION OF ASYLUM, WITHHOLDING OF REMOVAL, AND CAT PROTECTION CLAIMS BY ASYLUM OFFICERS”

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 46, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 46) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Justice and the Department of Homeland Security relating to “Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers”.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), and the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 46, nays 48, as follows:

#### [Rollcall Vote No. 211 Leg.]

##### YEAS—46

Barrasso	Cotton	Hoeven
Blunt	Crapo	Hyde-Smith
Boozman	Daines	Inhofe
Braun	Ernst	Johnson
Burr	Fischer	Kennedy
Capito	Graham	Lankford
Cassidy	Grassley	Lee
Collins	Hagerty	Lummis
Cornyn	Hawley	Manchin